

TITLE 14
CONDITIONAL USES

SUBTITLE I. OVERVIEW; GENERAL REQUIREMENTS

§ 14-101. Purpose.

- (a) *Article based on district uniformity.*

This article is based on the division of the City into districts, in which the uses of land and structures and the bulk and location of structures in relation to the land are substantially uniform.

- (b) *Special consideration for certain uses.*

Certain uses exist, however, that, because of their unique characteristics, cannot properly be classified in any particular district without consideration, in each case, of the impact of those uses on neighboring land and of the public need for the particular use at the particular location. These uses, referred to as “conditional uses”, may only be approved as specified in this title.

§ 14-102. By whom approved.

Subject to the provisions of this title:

- (1) the Board may approve only those conditional uses that are specified in this article as requiring Board approval; and
- (2) only the Mayor and City Council may approve those conditional uses that are specified in this article as requiring approval by ordinance.

§ 14-103. Imposition of conditions.

- (a) *When authorized.*

Before the Board or City Council, as the case may be, approves any conditional use, it may impose on the establishment, location, construction, maintenance, and operation of the conditional use any conditions, restrictions, or limitations that the Board or City Council considers necessary or desirable to:

- (1) reduce or minimize any effect of the use on other properties in the neighborhood;
- (2) secure compliance with the standards and requirements of this title; and
- (3) better carry out the intent and purposes of this article.

- (b) *When required.*

The Board must impose these conditions, restrictions, and limitations whenever it approves a conditional use relating to automotive repair or recycling collection stations.

(c) *Guarantees.*

The Board or City Council, as the case may be, may require whatever evidence and guarantees it considers necessary to assure that the conditions, restrictions, and limitations imposed will be met and complied with.

(d) *Record of conditions.*

(1) All conditions, restrictions, or limitations imposed by the Board must be set forth in the Board's written decision approving the conditional use.

(2) All conditions, restrictions, or limitations imposed by the City Council must be set forth in the ordinance approving the conditional use.

(e) *Compliance required.*

Failure to comply with any condition, restriction, or limitation imposed under this section constitutes a violation of this article.

SUBTITLE 2. PROCEDURES AND GENERAL CONSIDERATIONS

PART I. FOR BOARD APPROVAL

§ 14-201. Applications.

(a) *Who may apply.*

An application for a conditional use must be filed by the property owner or with the written consent of the property owner.

(b) *Filing with Administrator.*

The application must be filed with the Zoning Administrator in the form that the Board requires.

(c) *Contents.*

The application must:

- (1) be accompanied by the plans and information that the Board requires by general rule; and
- (2) include a written statement by the applicant, with adequate supporting evidence, showing how the proposed conditional use will conform to the standards set forth in this title.

(d) *Transmittal to Board.*

The Zoning Administrator must forward the application and all relevant information to the Board.

§ 14-202. Referral to Planning.

When forwarding the application to the Board, the Zoning Administrator must refer copies to the Department of Planning for its report and recommendations.

§ 14-203. Planning report and recommendation.

(a) *To be submitted within 15 days.*

Within 15 working days after the Department of Planning has received the application, it must forward its written report and recommendations to the Board.

(b) *Failure to submit within 15 days.*

If the Department of Planning fails to submit its report and recommendations within the period specified in subsection (a) of this section, the Board may proceed without the report and recommendations.

§ 14-204. Required findings.

The Board may not approve a conditional use unless, after public notice and hearing and on consideration of the standards prescribed in this title, it finds that:

- (1) the establishment, location, construction, maintenance, and operation of the conditional use will not be detrimental to or endanger the public health, security, general welfare, or morals;
- (2) the use is not in any way precluded by any other law, including an applicable Urban Renewal Plan;
- (3) the authorization is not otherwise in any way contrary to the public interest; and
- (4) the authorization is in harmony with the purpose and intent of this article.

§ 14-205. Required considerations.

(a) *In general.*

As a further guide to its decision on the facts of each case, the Board must consider the following, where appropriate:

- (1) the nature of the proposed site, including its size and shape and the proposed size, shape, and arrangement of structures;
- (2) the resulting traffic patterns and adequacy of proposed off-street parking and loading;
- (3) the nature of the surrounding area and the extent to which the proposed use might impair its present and future development;
- (4) the proximity of dwellings, churches, schools, public structures, and other places of public gathering;
- (5) accessibility of the premises for fire and police protection;
- (6) accessibility of light and air to the premises and to the property in the vicinity;
- (7) the type and location of adequate utilities, access roads, drainage, and other necessary facilities that have been or will be provided;
- (8) the preservation of cultural and historic landmarks;
- (9) the provisions of the City Master Plan;
- (10) the provisions of any applicable Urban Renewal Plan;
- (11) all applicable standards and requirements of this article;
- (12) the intent and purpose stated in § 1-401 {"Purposes of article"} of this article; and
- (13) any other matters considered to be in the interest of the general welfare.

(b) *Additional considerations and requirements.*

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Additional considerations and requirements for certain uses are specified in Subtitle 3 {"Additional Considerations for Certain Uses"} of this title.

§§ 14-206 to 14-207. *{Reserved}*

PART II. FOR ORDINANCE

§ 14-208. In general.

Bills proposing conditional uses are governed by the procedures in Title 16 {"Legislative Authorizations"} of this article.

SUBTITLE 3. ADDITIONAL CONSIDERATIONS FOR CERTAIN USES

PART I. IN GENERAL.

§ 14-301. Scope of subtitle.

The requirements of this subtitle are in addition to and not in substitution of those imposed by Subtitle 2 {"Procedures and General Considerations"}.

PART II. FOR BOARD APPROVAL

§§ 14-302 to 14-305. {Reserved}

§ 14-306. Boats, trailers, etc.: parking or storage.

(a) *Required findings and conditions.*

For parking or storage of boats, boat trailers, travel trailers, recreational vehicles, or similar camping equipment, the Board must find, and require as conditions of approval, that:

- (1) at no time will this equipment be used for living or housekeeping purposes;
- (2) the equipment will not have fixed connections to electricity, water, gas, or sanitary sewer facilities;
- (3) except only as specified in subsection (b) of this section, if the equipment is parked or stored outside of a garage, it will be parked or stored to the rear of the front building line of the lot and located at least 3 feet from the side or rear lot lines;
- (4) the equipment will be kept in good repair and carry a current year's license and registration; and
- (5) the parking or storage is not of an unoccupied mobile home, being a movable or portable dwelling, constructed to be towed on its own chassis and connected to utilities and designed without a permanent foundation for year-round living, which is specifically prohibited.

(b) *Exception for loading and unloading.*

Notwithstanding subsection (a)(3) of this section, the equipment may be parked anywhere on the premises, for a period of not more than 48 hours, for loading or unloading purposes.

§ 14-307. Boats less than 65 ft. (manufacturing and repair with sales).

(a) *"Assembly" defined.*

In this section, assembly includes:

- (1) assembly and installation of sails, masts, bridges, or other major components;

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- (2) sandblasting (or other preparation) and painting of hulls;
- (3) installation of navigational instruments; and
- (4) testing of electrical, mechanical, and other systems.

(b) *Required findings and conditions.*

For boats less than 65 feet long (manufacturing and repair with sales), the Board must find, and require as conditions of approval, that:

- (1) the site will have equipment capable of repairing, hauling, and launching vessels with a gross weight of 25 tons or more; and
- (2) the sale of new boats, other than those assembled or manufactured on site, be prohibited.

§§ 14-308 to 14-310. {Reserved}

§ 14-311. Marinas.

For marinas, the Board must find, and require as conditions of approval, that:

- (1) the proposed project will be compatible with and not disrupt the Master Plan for Marinas, as adopted by the Planning Commission and amended from time to time;
- (2) the proposed project will not unduly impede access to open water by other marinas, commercial operations, or boat launches; and
- (3) the applicant has met or will meet all local, state, and federal requirements relating to the construction, operation, and maintenance of a marina.

§§ 14-312 to 14-315. {Reserved}

§ 14-316. Microwave antennas.

(a) *Required findings.*

For the placement or erection of microwave antennas (satellite dishes), the Board may consider the quality of signal reception but must find, and require as a condition of approval, that the antenna will not interfere with the rights of the adjacent and neighboring properties to light, air, and sun.

(b) *Additional conditions.*

In addition, the Board may:

- (1) specify the placement of the antenna; and

(2) require screening.

§§ 14-317 to 14-320. {Reserved}

§ 14-321. Recreational facilities: outdoor.

The Board has continuing authority to review and determine the appropriate lighting, screening, and noise level standards for any outdoor recreational facility.

§§ 14-322 to 14-325. {Reserved}

§ 14-326. Recycling collection stations.

For a recycling collection station, the Board must consider:

- (1) the size of the transfer trailer or roll-off and its location on the site;
- (2) availability of off-street parking and the impact on any existing parking lot;
- (3) whether an attendant is to be provided or required and hours of operation, which information must be clearly posted on the trailer or roll-off;
- (4) impact on adjacent residences or businesses;
- (5) whether other recycling collection stations are in the immediate neighborhood;
- (6) whether landscaping or screening is needed and what is to be provided; and
- (7) compliance with all applicable building, housing, and health code standards.

§§ 14-327 to 14-340. {Reserved}

PART III. FOR ORDINANCE

§ 14-341. Adult-entertainment businesses, etc.

Before approving a conditional use for any adult-entertainment business, adult book or video store, or peep show establishment, the City Council must:

- (1) find in each specific case that the establishment, location, construction, maintenance, and operation of that use will not be detrimental to or endanger the public health, security, general welfare, or morals; and
- (2) as a further guide to its decision on the facts of each case, consider the following:
 - (i) the standards enumerated in § 14-205 {"Required considerations"} of this title, as appropriate; and
 - (ii) the adverse secondary effects of the proposed use on the community.

§§ 14-342 to 14-345. *{Reserved}*

§ 14-346. Community correction centers.

All bills introduced to approve a conditional use for a community correction center must be accompanied by a statement that clearly identifies all state or municipal authorities, private contractors, or other persons responsible for the operation and control of the facility.

§§ 14-347 to 14-350. *{Reserved}*

§ 14-351. Housing for elderly.

(a) *In general.*

A conditional use for housing for the elderly is conditioned on the annual filing with the Zoning Administrator of evidence that the facility continues to comply with the requirements for housing for the elderly.

(b) *Required evidence.*

In addition to any other relevant information that the Zoning Administrator requires, the annual filing must contain a certified statement for each month of:

- (1) the number of occupants by age and disability; and
- (2) for each individual who is neither 60 years old or older nor disabled, that individual's relationship to a qualified occupant or to the building (spouse, caretaker, etc.).

SUBTITLE 4. REMOVAL OF GASOLINE SERVICE STATIONS

§ 14-401. “Removal” defined.

In this subtitle, “removal” means:

- (1) the removal by the owner of all above-ground structures; and
- (2) the removal or, at the option of the property owner, the abandonment in place of underground tanks in accordance with Appendix C, National Fire Protection Association No. 30, “Flammable and Combustible Liquids Code, 1966”.

§ 14-402. Purpose.

Gasoline service stations are a conditional use. At times, the public need for gasoline service stations ceases to exist at particular locations. The abandonment of these gasoline service stations, however, constitutes a serious problem affecting the public health, safety, security, and general welfare of the City of Baltimore.

§ 14-403. Board authority.

Subject to the provisions of this subtitle, the Board may require the removal of gasoline service stations that have been abandoned and no longer serve a public need.

§ 14-404. Evidence of abandonment.

Any one of the following constitutes adequate evidence of the abandonment of an gasoline service station:

- (1) discontinuance of the active and continuous operation of the gasoline service station for 6 consecutive months;
- (2) non-renewal of trader’s license or fuel permit for 6 months from due date; or
- (3) actual abandonment in fact, as evidenced by the boarding or removal of structures or by the removal of substantial operating equipment, in which event the abandonment is completed at the time of that action.

§ 14-405. Applications for removal.

- (a) *Commissioner of Housing may apply.*

Whenever it appears to the Commissioner of Housing and Community Development that a gasoline service station has been abandoned, the Commissioner may apply for its removal, as provided for in this subtitle.

- (b) *Filing with Administrator.*

The application must be filed with the Zoning Administrator in the form that the Zoning

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Administrator requires.

(c) *Contents.*

The application must include a statement in writing, with adequate evidence to support the findings required by § 14-408 {"Required findings"} of this subtitle.

(d) *Administrator to forward to Board.*

The Zoning Administrator must forward the application and all relevant information to the Board.

§ 14-406. Referral to Planning.

When forwarding the application to the Board, the Zoning Administrator must refer copies to the Department of Planning for its report and recommendations.

§ 14-407. Planning report and recommendation.

(a) *To be submitted within 15 days.*

Within 15 working days after the Department of Planning has received the application, it must forward its written report and recommendations to the Board.

(b) *Failure to submit within 15 days.*

If the Department of Planning fails to submit its report and recommendations within the period specified in subsection (a) of this section, the Board may proceed without the report and recommendations.

§ 14-408. Required findings.

After public notice and hearing, The Board may require the removal of a gasoline service station if the Board finds that:

- (1) the gasoline service station has been abandoned;
- (2) its continued existence does not conform to the standards enumerated in § 14-205 {"Required considerations"} of this title;
- (3) its continued existence is contrary to the public welfare; and
- (4) its removal would be in harmony with the purpose and intent of this article.